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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,628	03/30/2001	Jonathan R. Cohen	60231-300104	9482

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VAN PELT & YI LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

EXAMINER

AWAD, AMR A

ART UNIT PAPER NUMBER

2675

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,628

Applicant(s)

COHEN ET AL.

Examiner

Amr Awad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24,31-36 and 49-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24,36,49,56,69 and 80 is/are rejected.
- 7) ☒ Claim(s) 31-35,50-55,57-68,70-79 and 81-90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities: line 5 recites, "said field" which should be changed to --one of said fields--or --fields--. Similarly on the last line of the claim should be changed. On line 12, "said audio application system' lacks antecedent basis and should be changed to --said audio conferencing system--. Similar problems may be found through out the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24, 36, 49, 56, 69 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US patent NO. 5,674,003; hereinafter referred to as Anderson).

As to independent claim 24, Anderson teaches a system for controlling a computerized audio system (figure 1) that includes at least one physical control member (keyboard or mouse 150a & 150b) having an identity, and a network of workstation (CPU A and B), each having plurality of fields (monitor, camera, mike, speaker) receptive to the physical control member, an interface coupled to

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the field, and operative to develop an identity signal representative of the identity of the physical control member and a processor coupled to the interface and receptive to the identity signal (col. 5, lines 23-51). Anderson also teaches a microphone and speaker (120a, 120b, 130a & 130b) for audio communication between the networks of workstations for each of the workstations (col. 4, lines 37-63).

Anderson does not expressly teach that the audio application being responsive to the control signal from the computer system to provide at least one audio sound having a volume and a directional characteristics which is based on the physical control members being selectively operated for reception by the field.

However, Anderson shows that the mouse (physical identity) controls the output of the signals to the output device including the monitor and the speakers (col. 29-36), which mean the volume, and the directional characteristics are based on the movement of the mouse.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize from Anderson's teaching that the movement of the mouse corresponds to the volume and the characteristics operated for reception by the field, so that it would intuitively corresponds to the user's desire to change the volumes or any other characteristics of the fields.

As to independent claims 56, 69 and 80, the claims are substantially similar to independent claim 24, and would be rejected based on the rejection of claim 24.

As to claim 36, using the broadest reasonable interpretation of the claim, the mouse used in Anderson's device has a distinct visual feature.

As to claim 49, the network workstations in figure 1 of Anderson inherently includes data server computer, and each workstation is executing application of software implementing the local audio application system and network library software.

Allowable Subject Matter

Claims 31-35, 50-55, 57-68, 70-79 and 81-90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg (US patent NO. 5,734,373) teaches an apparatus for controlling force feedback interface system.

Hindus et al. (US patent NO. 6,282,206) teaches a variable bandwidth communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is

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(703)308-8485. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703)305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A.A

7-7-2004